

U.S. District Court
Southern New York

Charmaine Smith,
Plaintiff,

Case No.:

18 CV 11640

v.

Fullbeauty Brands,
Defendant.

Jury Trial Demanded

Civil Complaint

Parties

1. Charmaine Smith is the Pro Se Plaintiff and is a Citizen of Tennessee
2. Fullbeauty Brands is the Defendant and is a Citizen of New York

Jurisdiction

1. Federal Question

Statement of Facts

I've placed several Mail Orders at different stores that are part of the Fullbeauty Brands. The purchases made by Mail Order were

supposed to include free gifts. I never received the free gifts or received the wrong item when I received anything. The gifts were the main reasons I made purchases at the following companies:

1. Woman Within
2. Romans
3. Jessica London
4. Brylane Home

Claims

1. Lanham Act - Section 43(a)(b)
 - False and Deceptive Advertising
 - Bait-and-Switch
 - Commercial Injury
2. Truth In Advertising Act
 - Mailing of Unordered Merchandise
Title 39 U.S.C. § 3009
 - Mail or Telephone Order Merchandise
Title 16 C.F.R., Part 435

Demand for Relief

Request a Monetary Award in the amount of \$100.00, Treble Damages, All Court Costs, Fees, and Interests, and the requested Merchandise as listed:

1. From Roaman's Catalog:
Between: September - October '2016
Red Box Code: RD 72929
Blue Box Code: 856-504113
07059-1536-3000

- Long Faux Fur Coat #501-04684-445
Size-2X Color-Evening Blue \$189.99

- Long Faux Fur Coat #501-04684-445
Size-2X Color-Emerald Green \$189.99

- Long Faux Fur Coat #501-04684-445
Size-2X Color-Black \$189.99

- Faux Fur Bucket Hat #540-16873-445
Color-Evening Blue \$39.99

- Faux Fur Bucket Hat #540-16873-445
Color-Emerald Green \$39.99

- Faux Fur Bucket Hat #540-16873-445
Color-Black \$39.99

2. From Roaman's Catalog: Holiday '2014
Green Box Code: RD 60296
Red Box Code: RD 60304
Blue Box Code: 661-103108
07059-1536-3000

- Long Faux Fur Coat #501-04684-855
Size-2X Color-Ivory \$379.99

- Long Faux Fur Coat #501-04684-855
Size-2X Color-Burgundy \$379.99

- Long Faux Fur Coat #501-04684-855
Size-2X Color-Ranch Mink \$379.99

3. From Roamon's Catalog: Hoodluxe 2017-Hello
70% Off

Green Box Code: RDDEFERFW1

Pink Box Code: RD80757

Blue Box Code: 428-525103

07059-1536-3000

- Teddy Fleece Jacket #529-36456-426
Size-2X Color-Oatmeal \$119.99

- Teddy Fleece Jacket #529-36456-426
Size-2X Color-Black \$119.99

- Janis Wide-Calf Leather Boots #535-32536-426
Size-9 Color-Dark Brown \$219.99

4. Ribbed Pullover Tunic Sweater (Online)
#2308-16187-9999

Size-2X Color-Sea Blue \$59.99

Ribbed Pullover Tunic Sweater (Online)

#2308-16187-9999

Size-2X Color-Royal Grape \$59.99

Ribbed Pullover Tunic Sweater (Online)

#2308-16187-9999

Size-2X Color-Dark Emerald \$59.99

Ribbed Pullover Tunic Sweater (Online)

#2308-16187-9999

Size-2X Color-Bright Ruby \$59.99

Date:

Respectfully submitted,

November 27, 2018

Charmaine Smith, Plaintiff
4952 Willow Road
Memphis, TN 38117
(901) 761-1678

Defendant:

1. Fullbeauty Brands
One New York Plaza
New York City, NY 10004-1928

P.S. Additional Items Requested:

From Jessica London Catalog:
 "Fashion Wrapped Holiday" - '2014
 Green Box Code: JLD B031
 Red Box Code: JLF 7032
 Blue Box Code: 880-505/18
 08028-5600-5454

1. Belted Boucle Coat #2301-27478-862
 Size-2X Color-Ivory \$189.99

2. Boucle Coat #2301-27379-862
 Size-2X Color-Mauve Flower \$219.99

3. Ribbed V-Neck Sweater #2308-11272-862

Size-18/20	Color-Berry Red	\$39.99
Size-18/20	Color-Black	\$39.99
Size-18/20	Color-Dark Teal	\$39.99
Size-18/20	Color-Deep Grape	\$39.99
Size-18/20	Color-Forest Moss	\$39.99
Size-18/20	Color-Ivory	\$39.99
Size-18/20	Color-Navy	\$39.99
Size-18/20	Color-Spice	\$39.99

4. Ribbed Cotton Sweaters #2308-75242-862

Size-18/20	Color-Berry Red	\$44.99
Size-18/20	Color-Black	\$44.99
Size-18/20	Color-Dark Teal	\$44.99
Size-18/20	Color-Deep Grape	\$44.99

4. Ribbed Cotton Sweaters #2308-75242-862
Size- 18/20 Color- Ivory \$44.99
Size- 18/20 Color- Navy \$44.99
Size- 18/20 Color- Spice \$44.99

Dated:

November 27, 2018

Signed,

Charmaine Smith, Plaintiff
4952 Willow Road
Memphis, TN 38117
(901) 761-1678

MEMPHIS TN 380
28 NOV 2018 PM 2 L



Prb

Sk E.K. Attm: Clerk Office

U.S. District Court - Southern
500 Pearl Street
New York, NY 10007-1312

RECEIVED
NOV 27 AM 9:24

2018 DEC 12 PM 6:01

CLERK'S OFFICE
S.D.N.Y.

10007-1312

10007-1312

